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PLEASE REPLY TO
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December 8, 2009

Via E-filing

Honorable Madeline Cox Arleo, U.S.M.J.
Martin Luther King, Jr. Federal Building
& U.S. Courthouse, Room 2060
50 Walnut Street
Newark, New Jersey 07101

Re: Montalvo v. City of Newark, Vincent Gagliano, Samuel DeMaio,
Lillian Mejias, Anthony F. Ambrose, III, Irving Bradley, Ronald Kinder,
Kurt Ebler, John and Jane Does 1-10
Civil Action No. 06-CV-01505 (JAG)

Dear Judge Arleo:

As a follow-up to our in person conference on December 4, 2009, this is a request to have Your Honor serve as the Presiding Trial Judge on this matter. With the authorization of my clients, I make this request and seek the consent of counsel.

This lawsuit was originally filed in the Essex County Superior Court at 2006, before either Plaintiff had been terminated. It was then removed by prior counsel, Kathleen C. Goger, Esq., after her noticing civil rights claims. The case is very old. As Your Honor explained, Judge Greenaway is being elevated and a new Judge would have to be assigned to decide the Motions and then try the lawsuit.

It would appear most practical that Your Honor accept this request and, more specifically, since you issued orders that established the Second Retaliation Complaint. You know all the procedural issues and disputes, including discovery issues that have lately been brought to your attention.

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Mr. Montalvo has been out of a job since 2006. The adversary does not want to discuss reinstatement. We are hopeful that we will get an early decision on the Motion for Summary Judgment set up for the reinstatement issue and then try the other issues.

Alternatively, I believe we are not going to see a trial for a very long time by reason of a new Judge being assigned to this case.

May I thank the adversary in advance for his consideration. It serves all interests, efficiency and cost measures to both sides and the Court.

Respectfully submitted,



WENDIE L. ELOVICH

WLE/mbr
Cc: Eric S. Pennington, Esq.
Darryl Austin, Esq.